Case: 1:10-md-02196-JZ Doc #: 184 Filed: 07/13/11 1 of 6. PageID #: 2566

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO

In re POLYURETHANE FOAM ANTITRUST LITIGATION)))	MDL Docket No. 2196 Index No. 10-MD-2196 (JZ)
This document relates to:		
ALL CASES)	

STIPULATED ORDER SPECIFYING TIME FOR DEFENDANTS TO ANSWER DIRECT PURCHASER PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT AND INDIRECT PURCHASER PLAINTIFFS' CONSOLIDATED AMENDED COMPLAINT

Plaintiffs representing direct purchaser and indirect purchaser class plaintiffs

("Plaintiffs") and Defendants Carpenter Co., E.R. Carpenter, L.P., Carpenter Holdings, Inc.,

Carpenter Canada Co., Flexible Foam Products, Inc., Ohio Decorative Products, Inc., Hickory

Springs Manufacturing Company, Future Foam, Inc., Inoac USA Inc., Crest Foam Industries,

Inc., Leggett & Platt, Incorporated, FXI – Foamex Innovations, Inc., Otto Bock Polyurethane

Technologies, Inc., Vitafoam, Inc., Vitafoam Products Canada Ltd., Woodbridge Foam

Corporation, Woodbridge Sales and Engineering, Inc., Woodbridge Foam Fabricating, Inc.,

Mohawk Industries, Inc., Plastomer Corporation, Domfoam International, Inc., and Valle Foam

Industries (1995) Inc. (collectively, "Defendants") in the above-captioned litigation have agreed, subject to this Court's approval, that Defendants shall answer Plaintiffs' consolidated amended complaints by August 15, 2011.

It appearing to the Court that a hearing was held on July 1, 2011 where this Court issued certain oral rulings on Defendants' motions to dismiss, and that this Court will issue "an order [to] follow that will give some more detail on the Court's ruling." It further appearing that

Case: 1:10-md-02196-JZ Doc #: 184 Filed: 07/13/11 2 of 6. PageID #: 2567

Defendants requested that the parties stipulate to an August 15, 2011 deadline to answer

Plaintiffs' consolidated amended complaints, consistent with the response deadline for certain

Direct Action (Non-Class) cases outlined in the Amended Case Management Order dated May

12, 2011 (Dkt. #139), and that Plaintiffs have agreed as a professional courtesy to Defendants'

request. Accordingly, it is ORDERED that Defendants shall answer Direct Purchaser Plaintiffs'

Consolidated Amended Class Action Complaint and Indirect Purchaser Plaintiffs' Consolidated

Amended Complaint by August 15, 2011.

SO ORDERED

7/13/11 DATED:

s/ Jack Zouhary

The Honorable Judge Jack Zouhary

United States District Judge

July 13, 2011

2

Case: 1:10-md-02196-JZ Doc #: 184 Filed: 07/13/11 3 of 6. PageID #: 2568

We ask for this:

/s/ James H. Walsh
James H. Walsh
Howard Feller
Bethany Lukitsch
MCGUIREWOODS LLP
One James Center
901 East Cary Street
Richmond, VA 23219-4030
Phone: (804) 775-4356
Fax: (804) 698-2200
jwalsh@mcguirewoods.com
hfeller@mcguirewoods.com
blukitsch@mcguirewoods.com

Counsel for Carpenter Co., E.R. Carpenter, L.P., Carpenter Holdings, Inc. and Carpenter Canada Co.

/s/ Frank A. Hirsch, Jr.
Frank A. Hirsch, Jr.
Matthew P. McGuire
ALSTON & BIRD LLP
4721 Emperor Blvd.
Suite 400
Durham, NC 27703
Phone: (919) 862-2200
Fax: (919) 852-2260
frank.hirsch@alston.com
matt.mcguire@alston.com

Counsel for Hickory Springs Manufacturing Company /s/ Kendall Millard
Kendall Millard
BARNES & THORNBURG, LLP
11 South Meridian Street
Indianapolis, IN 46204-3535
Phone: (317) 231-7461
Fax: (317) 231-7433
kmillard@btlaw.com

/s/ Michael D. Mustard
Michael D. Mustard
BARNES & THORNBURG LLP
600 One Summit Square
Fort Wayne, IN 46802-3119
Phone: (260) 423-9440
Fax: (260) 424-8316
mmustard@btlaw.com

Counsel for Flexible Foam Products, Inc., Ohio Decorative Products, Inc.

/s/ Edward G. Warin
Edward G. Warin
John P. Passarelli
KUTAK ROCK LLP
1650 Farnam Street
Omaha, NE 68102
Phone: (402) 346-6000
Fax: (402) 346-1148
edward.warin@kutakrock.com
john.passarelli@kutakrock.com

Counsel for Future Foam, Inc.

Case: 1:10-md-02196-JZ Doc #: 184 Filed: 07/13/11 4 of 6. PageID #: 2569

/s/ Howard B. Iwrey

Howard B. Iwrey DYKEMA GOSSETT, PLLC 39577 Woodward Ave., Suite 300

Bloomfield Hills, MI 48304-2820

Phone: (248) 203-0526 Fax: (248) 203-0763

Counsel for Inoac USA Inc. and Crest

Foam Industries. Inc.

/s/ Francis P. Newell

Francis P. Newell Peter M. Ryan

COZEN O'CONNOR

1900 Market Street

Philadelphia, PA 19103

Phone: (215) 665-2118 (215) 665-2013 Fax: fnewell@cozen.com

pryan@cozen.com

Counsel for FXI - Foamex Innovations,

Inc.

/s/ Daniel R. Warncke

Daniel R. Warncke

TAFT STETTINIUS & HOLLISTER LLP

425 Walnut Street, Suite 1800

Cincinnati, OH 45202-3957

Phone: (513) 381-2838 Fax: (513) 381-0205

warncke@taftlaw.com

Joe Rebein

SHOOK, HARDY & BACON LLP

2555 Grand Blvd.

Kansas City, MO 64108

Phone: (816) 559-2227

jrebein@shb.com

Counsel for Leggett & Platt, Incorporated

/s/ Richard A. Duncan

Richard A. Duncan

Emily E. Chow

FAEGRE & BENSON LLP

2200 Wells Fargo Center

90 South Seventh St.

Minneapolis, MN 55402-3901

Phone: (612) 766-7000 (612) 766-1600 Fax:

rduncan@faegre.com

echow@faegre.com

Robert A. Bunda

Theresa R. DeWitt

BUNDA STUTZ & DEWITT PLL

3295 Levis Commons Boulevard

Perrysburg, OH 43551

Phone: (419) 241-2777

Fax: (419) 241-4697 rabunda@bsd-law.com

trdewitt@bsd-law.com

Counsel for Otto Bock Polyurethane

Technologies, Inc.

Case: 1:10-md-02196-JZ Doc #: 184 Filed: 07/13/11 5 of 6. PageID #: 2570

/s/ Robert J. Gilmer, Jr.

Robert J. Gilmer, Jr.

EASTMAN & SMITH LTD.

One SeaGate, 24th Floor

P.O. Box 10032

Toledo, Ohio 43699-0032 Phone: (419) 247-1766 Fax: (419) 247-1777

rjgilmer@eastmansmith.com

/s/ Timothy J. Coleman

Timothy J. Coleman Bruce McCulloch Terry Calvani John K. Warren

FRESHFIELDS BRUCKHAUS

DERINGER US LLP

701 Pennsylvania Avenue, NW

Suite 600

Washington DC 20004-2692

Phone: (202) 777-4555 Fax: (202) 777-4555

tim.coleman@freshields.com

/s/ Daniel G. Swanson

Daniel G. Swanson

GIBSON, DUNN & CRUTCHER LLP

333 South Grand Avenue Los Angeles, CA 90071

Phone: (213) 229-6690 Fax: (213) 229-6919

dsawnson@gibsondunn.com

Cynthia Richman

John W.F. Chesley

GIBSON, DUNN & CRUTCHER LLP

1050 Connecticut Avenue, N.W. Washington, DC 20036-5306

Phone: (202) 530-8500 Fax: (202) 530-9651

crichman@gibsondunn.com
jchesley@gibsondunn.com

Counsel for Vitafoam, Inc. and Vitafoam

Products Canada Ltd.

Counsel for Woodbridge Foam Corporation, Woodbridge Sales &

Engineering, Inc., and Woodbridge Foam

Fabricating, Inc.

/s/ Randall L. Allen

Randall L. Allen Teresa T. Bonder Erica F. Ghali

ALSTON & BIRD LLP One Atlantic Center

1201 W. Peachtree St. Atlanta, GA 30309

Phone: (404) 881-7000 Fax: (404) 881-7777 randall.allen@alston.com teresea.bonder@alston.com

erica.ghali@alston.com

Counsel for Mohawk Industries, Inc.

/s/ Sheldon Klein Sheldon Klein BUTZEL LONG Stoneridge West

4100 Woodward Ave.

Bloomfield Hills, MI 48304

Phone: (248) 258-1414 Fax: (248) 258-1439

klein@butzel.com

Counsel for Plastomer Corporation

Case: 1:10-md-02196-JZ Doc #: 184 Filed: 07/13/11 6 of 6. PageID #: 2571

/s/ Shepard Goldfein

Shepard Goldfein

Elliot A. Silver

Skadden, Arps, Slate,

Meagher & Flom LLP

Four Times Square

New York, NY 10036

Phone: (212) 735-3000

Fax: (212) 735-2000

<u>shepard.goldfein@skadden.com</u> elliot.silver@skadden.com

Counsel for Domfoam International, Inc. and Valle Foam Industries (1995) Inc.

/s/ William A. Isaacson

William A. Isaacson

BOIES, SCHILLER & FLEXNER LLP

5301 Wisconsin Avenue, NW

Washington, DC 20015

Telephone: (202) 237-5607 Facsimile: (202) 237-6131

wisaacson@bsfllp.com

Co-Lead Counsel for Direct Purchaser Class Plaintiffs

/s/ Stephen R. Neuwirth

Stephen R. Neuwirth

QUINN EMANUEL URQUHART & SULLIVAN, LLP

51 Madison Avenue, 22nd Floor

New York, NY 10010

Telephone: (212) 849-7165

Facsimile: (212) 849-7100

stephenneuwirth@quinnemanuel.com

/s/ Marvin A. Miller

Marvin A. Miller

MILLER LAW LLC

115 South LaSalle St., Suite 2910

Chicago, IL 60603

Telephone: (312) 332-3400 Facsimile: (312) 676-2676

mmiller@millerlawllc.com

Indirect Purchaser Plaintiffs Interim Lead Counsel